

REMARKS

This is a full and timely response to the outstanding Advisory Action mailed October 17, 2003. Upon entry of the amendments in this response, claims 21, and 26 - 36 remain pending. In particular, Applicant has amended claims 21, has added claims 26 – 36, and has canceled claims 1 – 20 without prejudice, waiver, or disclaimer. Applicant has canceled claims 1 – 20 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of these canceled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

Indication of Allowable Subject Matter

The Advisory Action indicates that claims 6 and 7 would be allowable if rewritten in independent form, including all the limitations of the base claim and any intervening claims. As set forth above, Applicant has canceled claims 6 and 7. However, Applicant has included many of the features/limitations previously included in claim 6 and 7 in at least some of the newly added claims, which will be described in greater detail below.

Rejections Under 35 U.S.C. §102

The Advisory Action indicates that claims 1 – 5, 8, 10 – 12, 14 – 18 and 21 stand rejected under 35 U.S.C. §102(b) as being anticipated by *Abbott*. Additionally, the Advisory Action indicates that claims 1, 2, 10 – 12 and 14 – 20 stand rejected under 35 U.S.C. 102(e) as being anticipated by *Lee*. As set forth above, Applicant has canceled claims 1 – 20 respectfully asserts that the rejection as to these claims has been rendered moot. With respect

to claim 21, Applicant respectfully traverses the rejection for at least the reasons set forth below.

Turning now to claim 21, that claim has been amended to recite:

21. A method for tuning an optical filter, the optical filter defining an optical path and being adapted to propagate an optical signal along the optical path, said method comprising:

providing an optical filter component having a propagation axis, said optical filter component being a multi-layer interference filter;

arranging the optical filter component along the optical path, the optical filter component exhibiting a length of physical path along the propagation axis, the optical filter component being adapted to receive the optical signal such that, in response to the optical signal, the optical filter component propagates at least a first frequency of light along the optical path; and

altering the length of the physical path of the optical filter component along the propagation axis ***by selectively placing the optical filter component under axial tension and axial compression*** such that the optical filter component propagates at least a second frequency of light along the optical path in response to the optical signal, the second frequency of light being different from the first frequency of light; and

tilting the filter component so that the propagation axis of the filter component and the optical path are not parallel.

(Emphasis Added).

Applicant respectfully asserts that the cited art of record does not teach or otherwise disclose at least the feature/limitation emphasized above in claim 21. Therefore, Applicant respectfully asserts that the rejection is no longer proper.

Newly Added Claims

Upon entry of amendments in this Response, Applicant has added claims 26 – 36.

Applicant respectfully asserts that these claims are in condition for allowance for at least the reasons indicated below.

Turning now to claim 26, that claim recites:

26. An optical system comprising:
an optical filter having an optical filter component and a tuning assembly, said optical filter defining an optical path;
said optical filter component being a multi-layer interference filter, said optical filter component having a propagation axis, said optical filter component exhibiting a length of physical path along said optical path of said optical filter, said optical filter component being adapted to receive an optical signal such that, in response to the optical signal, said optical filter component propagates at least a first frequency of light;
said tuning assembly engaging said optical filter component, said tuning assembly being adapted to alter said length of said physical path of said optical filter component along said propagation axis *by selectively placing the optical filter component under axial tension and axial compression* such that said optical filter component propagates at least a second frequency of light in response to the optical signal, the second frequency of light being different from the first frequency of light.
(Emphasis Added).

Applicant respectfully asserts that the cited art of record does not teach or reasonably suggest, either individually or in combination, at least the feature/limitation emphasized above in claim 26. Therefore, Applicant respectfully asserts that claim 26 is in condition for allowance.

Since claims 27 – 36 incorporate all the features/limitations of claim 26, Applicants respectfully assert that these claims also are in condition for allowance. Additionally, these claims recite other features that also may serve as an independent basis for patentability. By way of example, claim 27 recites:

27. The optical system of claim 26, wherein said tuning assembly includes a force-compensating member, said force-compensating member being operative to expand to apply a compressive force to said optical filter component.

By way of further example, claim 29 recites:

29. The optical system of claim 27, wherein said force-compensating member is formed of a material exhibiting a coefficient of thermal expansion selected to substantially maintain the compressive force applied to said optical filter component when said optical filter deforms in response to a change in temperature.

Applicant respectfully asserts that the cited art does not teach or reasonably suggest at least the features/limitations emphasized above in claims 27 and 29, respectively. Therefore, Applicant respectfully asserts that at least these claims are in condition for allowance.

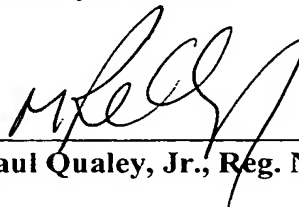
Prior Art Made of Record

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 21 and 26 - 36 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

12/19/03

Stephanie Riley
Signature